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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 SHEPARD JOHNSON,

10 Plaintiff,

CIV S-10-1968 GEB GGH PS

11 vs.

12 CHESTER MITCHELL, et al.,

13 Defendants.

ORDER

14 \_\_\_\_\_/  
15 On April 25, 2011, the magistrate judge filed findings and recommendations  
16 herein which were served on the parties and which contained notice that any objections to the  
17 findings and recommendations were to be filed within fourteen days. No objections were filed.<sup>1</sup>

18 Accordingly, the court presumes any findings of fact are correct. See Orand v.  
19 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
20 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
21 1983).

22 The court has reviewed the applicable legal standards and, good cause appearing,  
23 concludes that it is appropriate to adopt the Findings and Recommendations in full.

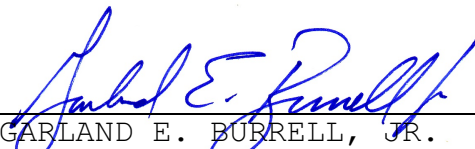
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25 <sup>1</sup> Plaintiff did file a motion to deny trustee's intervention on May 12, 2011; however, it could  
26 not be construed as objections because it was untimely as such. It was instead construed as a motion  
for reconsideration and resolved by order of June 1, 2011.

1                   Accordingly, IT IS ORDERED that the Findings and Recommendations filed  
2 April 25, 2011, are ADOPTED and

3                   1. Trustee's Motion to Intervene, filed January 4, 2011, as amended (dkt. #s 25,  
4 30), is granted; and

5                   2. Trustee's motion to dismiss, filed January 4, 2011, as amended (dkt. #s 27,  
6 29), is denied.

7 Dated: June 7, 2011

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10 GARLAND E. BURRELL, JR.  
United States District Judge